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ON PETITION

In re Application of
Hartmut Eichinger
Application No. 09/297,237
Filed: May 17, 1999
Attorney Docket No. N/A

This is a decision on the petition under 37 CFR 1.137(b), filed September 18, 2003, to revive the above-identified application.

The above-identified application became abandoned as a result of petitioner's failure to take appropriate action in a timely manner after the decision of June 23, 2003, by the Board of Patent Appeals and Interferences. Therefore, the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(c). As no claim was allowed, the above-identified application became abandoned after midnight August 23, 2003. See MPEP 1214.06.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement.

The petition is **GRANTED**.

The Office sincerely apologizes for the delay in responding to the instant petition, and any inconvenience caused to petitioner by this delay.

The application file is being forwarded to Technology Center Art Unit 3635, for processing the Request for Continued Examination under 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 308-6711.

Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy